

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Kuehl

February 26, 1999

~~An act to amend Section 11010 of the Business and Professions Code, to amend Sections 65302.2, 65853, 65855, 65857, 66458, and 66474 of, and to add Section 66455.10 to, the Government Code, and to amend Section 10631 of, and to add Section 10911.5 to, the Water Code, relating to land use. An act to add Section 66474.11 to the Government Code, relating to land use.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Kuehl. Land use: water supplies.

~~(1) Existing law authorizes the Real Estate Commissioner to adopt rules regulating the sale of subdivided lands and requires that any person who intends to offer subdivided lands within California for sale or lease file an application for a public report consisting of a notice of intention and a completed questionnaire with the Department of Real Estate that contains specified information. A violation of these provisions is a crime punishable as a felony or a misdemeanor.~~

~~This bill would require that a notice of intention of a proposed subdivision that meets the definition of a specified project contain information that a water supply assessment~~

~~has been completed. By expanding the definition of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) Under the Planning and Zoning Law, a planning agency, prior to action by a legislative body to adopt or substantially amend a general plan, is required to refer the proposed action to specified entities, including a public water system, as defined. The public water system is required to provide the planning agency with specified information regarding the adequacy of existing and planned future water supplies to meet existing and planned future demands for water. The act also requires that the general plan include specified elements, including a land use element, and provides that a legislative body may require a planning commission to study and report upon a zoning ordinance or an amendment to the ordinance pursuant to specified procedures.~~

~~This bill would revise these provisions to require (a) that an assessment and specified information of the available water supplies be incorporated into the general plan upon the adoption or revision of any element of the general plan, (b) that the planning commission of a legislative body follow specified procedures when considering the adoption or amendment of a zoning ordinance in connection with a proposed water project, and (c) that the planning commission and the legislative body make their respective recommendations consistent with specified, prioritized categories of water service, except as specified, regarding the adoption of a zoning ordinance or an amendment to the ordinance if the commission or the body determines that current and projected water supplies will not be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses. For a city or county within the Sacramento-San Joaquin Delta, upon the adoption or revision of any element of a general plan, the bill would require the city or county to incorporate a specified evaluation of potential discharges that affect sources of drinking water.~~

~~(3) Under the Subdivision Map Act, a legislative body of a city or county is required to deny approval of a tentative map,~~

or a parcel map for which a tentative map is not required, if it makes any of a number of specified findings, and the act requires that if the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension, and the map conforms to all requirements and rulings, the map shall be deemed approved, and the clerk of the legislative body shall certify or state its approval thereon.

~~This bill would require a local agency, within 5 days of the determination that a tentative map application is complete, to send notice of this determination to the governing body of the public water system that may supply water to the subdivision to determine if a water supply assessment was prepared within 3 years and, if not, that the governing body is required to submit a water supply assessment pursuant to specified procedures within 90 days.~~

~~This bill would also require *provide that* a legislative body to render its decision on a final map consistent with specified, prioritized categories of water service and to disapprove a tentative or parcel map for which a tentative map was not required, if it determines that current and projected water supplies will not be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses, based on the water supply assessment, unless the body, working in conjunction with the applicant and the public water system, can identify and secure a sufficient, long-term supply of water to satisfy the demands of the proposed project. The bill would repeal those provisions that provide that a final map is deemed approved if the legislative body does not approve or disapprove the map within the prescribed time of a city or county shall not approve a final map for a development project of 200 or more residential units, unless it is determined that the existing water supplies, and any new water supplies currently being developed by the city or county, will be sufficient to satisfy existing residential and business needs during a multiyear drought in addition to the needs of the development project.~~

~~(4) Existing law requires every urban water supplier to prepare and adopt an urban water management plan that~~



~~quantifies, among other things, past, current, and projected water use.~~

~~This bill would impose additional requirements in developing projected water demand forecasts.~~

By increasing the duties of local legislative bodies and local planning agencies and commissions ~~under these acts~~, the bill would impose a state-mandated local program.

~~(5)–~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11010 of the Business and~~
 2 ~~SECTION 1. Section 66474.11 is added to the~~
 3 ~~Government Code, to read:~~
 4 ~~66474.11. The legislative body of a city or county shall~~
 5 ~~not approve a final map for a development project of 200~~
 6 ~~or more new residential units, unless it is determined that~~
 7 ~~the existing water supplies, and any new water supplies~~
 8 ~~currently being developed by the city or county, will be~~
 9 ~~sufficient to satisfy existing residential and business needs~~
 10 ~~during a multiyear drought in addition to the needs of the~~
 11 ~~development project.~~
 12 ~~Professions Code is amended to read:~~
 13 ~~11010. (a) Except as otherwise provided pursuant to~~
 14 ~~subdivision (e) or elsewhere in this chapter, any person~~
 15 ~~who intends to offer subdivided lands within this state for~~

1 ~~sale or lease shall file with the Department of Real Estate~~
2 ~~an application for a public report consisting of a notice of~~
3 ~~intention and a completed questionnaire on a form~~
4 ~~prepared by the department.~~

5 ~~(b) The notice of intention shall contain the following~~
6 ~~information about the subdivided lands and the proposed~~
7 ~~offering:~~

8 ~~(1) The name and address of the owner.~~

9 ~~(2) The name and address of the subdivider.~~

10 ~~(3) The legal description and area of lands.~~

11 ~~(4) A true statement of the condition of the title to the~~
12 ~~land, particularly including all encumbrances thereon.~~

13 ~~(5) A true statement of the terms and conditions on~~
14 ~~which it is intended to dispose of the land, together with~~
15 ~~copies of any contracts intended to be used.~~

16 ~~(6) A true statement of the provisions, if any, that have~~
17 ~~been made for public utilities in the proposed subdivision,~~
18 ~~including water, electricity, gas, telephone, and sewerage~~
19 ~~facilities. However, for proposed subdivisions that meet~~
20 ~~the definition of a project pursuant to Section 10913 of the~~
21 ~~Water Code, a true statement of the provisions that have~~
22 ~~been made for water service, including availability of~~
23 ~~water supplies necessary to serve the proposed~~
24 ~~subdivision, may only be transmitted from the public~~
25 ~~water system to the person who is filing the notice of~~
26 ~~intention and application for issuance of a public report~~
27 ~~or the Department of Real Estate following the~~
28 ~~completion of a water supply assessment pursuant to Part~~
29 ~~2.10 (commencing with Section 10910) of Division 6 of the~~
30 ~~Water Code, and Section 65853 or Section 66455.10 of the~~
31 ~~Government Code.~~

32 ~~(7) A true statement of the use or uses for which the~~
33 ~~proposed subdivision will be offered.~~

34 ~~(8) A true statement of the provisions, if any, limiting~~
35 ~~the use or occupancy of the parcels in the subdivision.~~

36 ~~(9) A true statement of the amount of indebtedness~~
37 ~~which is a lien upon the subdivision or any part thereof,~~
38 ~~and which was incurred to pay for the construction of any~~
39 ~~onsite or offsite improvement, or any community or~~
40 ~~recreational facility.~~

1 ~~(10) A true statement or reasonable estimate, if~~
2 ~~applicable, of the amount of any indebtedness which has~~
3 ~~been or is proposed to be incurred by an existing or~~
4 ~~proposed special district, entity, taxing area, assessment~~
5 ~~district, or community facilities district within the~~
6 ~~boundaries of which, the subdivision, or any part thereof,~~
7 ~~is located, and which is to pay for the construction or~~
8 ~~installation of any improvement or to furnish community~~
9 ~~or recreational facilities to that subdivision, and which~~
10 ~~amounts are to be obtained by ad valorem tax or~~
11 ~~assessment, or by a special assessment or tax upon the~~
12 ~~subdivision, or any part thereof.~~

13 ~~(11) (A) As to each school district serving the~~
14 ~~subdivision, a statement from the appropriate district~~
15 ~~that indicates the location of each high school, junior high~~
16 ~~school, and elementary school serving the subdivision, or~~
17 ~~documentation that a statement to that effect has been~~
18 ~~requested from the appropriate school district.~~

19 ~~(B) In the event that, as of the date the notice of~~
20 ~~intention and application for issuance of a public report~~
21 ~~are otherwise deemed to be qualitatively and~~
22 ~~substantially complete pursuant to Section 11010.2, the~~
23 ~~statement described in subparagraph (A) has not been~~
24 ~~provided by any school district serving the subdivision,~~
25 ~~the person who filed the notice of intention and~~
26 ~~application for issuance of a public report immediately~~
27 ~~shall provide the department with the name, address, and~~
28 ~~telephone number of that district.~~

29 ~~(12) The location of all existing airports, and of all~~
30 ~~proposed airports shown on the general plan of any city~~
31 ~~or county, located within two statute miles of the~~
32 ~~subdivision.~~

33 ~~(13) A true statement, if applicable, referencing any~~
34 ~~soils or geologic report or soils and geologic reports that~~
35 ~~have been prepared specifically for the subdivision.~~

36 ~~(14) A true statement of whether or not fill is used, or~~
37 ~~is proposed to be used in the subdivision and a statement~~
38 ~~giving the name and the location of the public agency~~
39 ~~where information concerning soil conditions in the~~
40 ~~subdivision is available.~~

1 ~~(15) Any other information that the owner, his or her~~
2 ~~agent, or the subdivider may desire to present.~~

3 ~~(e) The commissioner may, by regulation, or on the~~
4 ~~basis of the particular circumstances of a proposed~~
5 ~~offering, waive the requirement of the submission of a~~
6 ~~completed questionnaire if the commissioner determines~~
7 ~~that prospective purchasers or lessees of the subdivision~~
8 ~~interests to be offered will be adequately protected~~
9 ~~through the issuance of a public report based solely upon~~
10 ~~information contained in the notice of intention.~~

11 ~~SEC. 2. Section 65302.2 of the Government Code is~~
12 ~~amended to read:~~

13 ~~65302.2. (a) Upon the adoption or revision of any~~
14 ~~element of a city or county's general plan, the city or~~
15 ~~county shall do all of the following:~~

16 ~~(1) Utilize as a source document any urban water~~
17 ~~management plan submitted to the city or county by a~~
18 ~~water agency.~~

19 ~~(2) Incorporate into the general plan the most recent~~
20 ~~water supply assessment conducted pursuant to Section~~
21 ~~10635 of the Water Code.~~

22 ~~(3) Use and incorporate any information provided~~
23 ~~pursuant to Section 65352.5, and Part 2.10 (commencing~~
24 ~~with Section 10910) of Division 6 of the Water Code.~~

25 ~~(b) For a city or county within the Sacramento-San~~
26 ~~Joaquin Delta, as described in Section 12220 of the Water~~
27 ~~Code, upon the adoption or revision of any element of a~~
28 ~~general plan, the city or county shall incorporate an~~
29 ~~evaluation of potential discharges associated with~~
30 ~~proposed development that would affect water bodies~~
31 ~~that serve as a source of drinking water and the effect of~~
32 ~~those discharges on water quality as it relates to human~~
33 ~~use and consumption.~~

34 ~~SEC. 3. Section 65853 of the Government Code is~~
35 ~~amended to read:~~

36 ~~65853. (a) A zoning ordinance or an amendment to~~
37 ~~a zoning ordinance, which amendment changes any~~
38 ~~property from one zone to another or imposes any~~
39 ~~regulation listed in Section 65850 not theretofore imposed~~
40 ~~or removes or modifies any such regulation theretofore~~

~~imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.~~

~~(b) (1) If a zoning ordinance or an amendment to a zoning ordinance is proposed in connection with a proposed project as defined in Section 10913 of the Water Code, the planning commission shall identify the public water system that may supply water for the proposed project and inquire whether the public water system has previously prepared a water supply assessment for the proposed project.~~

~~(2) If a water supply assessment was prepared for the project pursuant to Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code within the prior three years, the planning commission may utilize that previously submitted assessment.~~

~~(3) If no water supply assessment has been prepared pursuant to paragraph (2), then the planning commission shall request a water supply assessment to be prepared by the identified public water system pursuant to Sections 10910 and 10911 of the Water Code.~~

~~(c) (1) Within 90 days after receiving the request made pursuant to paragraph (3) of subdivision (b), the governing body of the public water system shall submit the water supply assessment.~~

~~(2) If the governing body does not approve and submit the assessment within 90 days, the local agency shall request the Director of Water Resources to prepare the assessment pursuant to paragraph (3) of subdivision (b) and submit the assessment to the local agency not later than 90 days after the date on which the request was received.~~

~~(3) If the state incurs any costs for preparing the assessment, the Controller shall deduct the amount of those costs from any subvention, payment, or appropriation to or for the benefit of the public water system until the total cost of the assessment has been recovered by the state.~~

~~(d) When the legislative body has requested the planning commission to study and report upon a zoning ordinance or amendment which is within the scope of this section and the planning commission fails to act upon the request within a reasonable time, the legislative body may, by written notice, require the planning commission to render its report within 40 days. Upon receipt of the written notice the planning commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed zoning ordinance or amendment to a zoning ordinance.~~

~~SEC. 4. Section 65855 of the Government Code is amended to read:~~

~~65855. (a) After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and the conclusions and findings contained within the water supply assessment prepared pursuant to Section 65853, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.~~

~~(b) If, based on the information submitted pursuant to Section 65853, the planning commission determines that current and projected water supplies will not be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses, then the planning commission shall render its recommendation to the legislative body consistent with the prioritization of categories of water service to customers or potential customers, as set forth in Section 10911.5 of the Water Code, unless the city or county, working in conjunction with the applicant and public water system, can identify and secure a sufficient, long-term supply of water to satisfy the demands of the proposed project.~~

1 ~~SEC. 5. Section 65857 of the Government Code is~~
2 ~~amended to read:~~

3 ~~65857. (a) The legislative body may approve, modify~~
4 ~~or disapprove the recommendation of the planning~~
5 ~~commission, subject to subdivision (b). However, any~~
6 ~~modification of the proposed ordinance or amendment~~
7 ~~by the legislative body not previously considered by the~~
8 ~~planning commission during its hearing, shall first be~~
9 ~~referred to the planning commission for report and~~
10 ~~recommendation, but the planning commission shall not~~
11 ~~be required to hold a public hearing thereon. Failure of~~
12 ~~the planning commission to report within 40 days after~~
13 ~~the reference, or such longer period as may be designated~~
14 ~~by the legislative body, shall be deemed to be approval of~~
15 ~~the proposed modification.~~

16 ~~(b) If, based on the information submitted pursuant to~~
17 ~~Section 65853, the legislative body determines that~~
18 ~~current and projected water supplies will not be~~
19 ~~sufficient to satisfy the demands of the proposed project,~~
20 ~~in addition to existing and planned future uses, then the~~
21 ~~legislative body shall render its decision on the zoning~~
22 ~~ordinance or amendment to a zoning ordinance~~
23 ~~consistent with the prioritization of categories of water~~
24 ~~service to customers or potential customers, as set forth~~
25 ~~in Section 10911.5 of the Water Code, unless the city or~~
26 ~~county, working in conjunction with the applicant and~~
27 ~~public water system, can identify and secure a sufficient,~~
28 ~~long-term supply of water to satisfy the demands of the~~
29 ~~proposed project.~~

30 ~~SEC. 6. Section 66455.10 is added to the Government~~
31 ~~Code, to read:~~

32 ~~66455.10. (a) Within five days of the determination~~
33 ~~that a tentative map application is complete in~~
34 ~~connection with a proposed project as defined in Section~~
35 ~~10913 of the Water Code, the local agency shall send a~~
36 ~~notice of this determination to the governing body of any~~
37 ~~public water system identified by the local agency as the~~
38 ~~public water system that may supply water for the~~
39 ~~subdivision. The notice shall identify information about~~
40 ~~the location of the proposed subdivision, the number of~~

1 units, density, and any other information that would be
2 relevant to the affected public water system. The notice
3 shall also inquire whether the public water system has
4 previously prepared a water supply assessment for the
5 proposed subdivision.

6 (b) If a water supply assessment was prepared for the
7 proposed subdivision pursuant to Part 2.10 (commencing
8 with Section 10910) of Division 6 of the Water Code
9 within the prior three years, the local agency may utilize
10 that previously submitted assessment.

11 (c) If no water supply assessment has been prepared
12 pursuant to subdivision (b), then the local agency shall
13 request a water supply assessment to be prepared by the
14 identified public water system pursuant to Sections 10910
15 and 10911 of the Water Code.

16 (d) (1) Within 90 days after receiving the request
17 made pursuant to subdivision (c), the governing body of
18 the public water system shall submit the water supply
19 assessment.

20 (2) If the governing body does not approve and submit
21 the assessment within 90 days, the local agency shall
22 request the Director of Water Resources to prepare the
23 assessment pursuant to subdivision (c) and submit the
24 assessment to the local agency not later than 90 days after
25 the date on which the request was received.

26 (3) If the state incurs any costs for preparing the
27 assessment, the Controller shall deduct the amount of
28 those costs from any subvention, payment, or
29 appropriation to or for the benefit of the public water
30 system until the total cost of the assessment has been
31 recovered by the state.

32 SEC. 7. Section 66458 of the Government Code is
33 amended to read:

34 66458. (a) (1) The legislative body shall, at the
35 meeting at which it receives the map or, at its next regular
36 meeting after the meeting at which it receives the map,
37 approve the map if it conforms to all the requirements of
38 this chapter and any local subdivision ordinance
39 applicable at the time of approval or conditional approval
40 of the tentative map and any rulings made thereunder.

~~If the map does not conform, the legislative body shall disapprove the map.~~

~~(2) If, based on the information submitted pursuant to Section 66455.10, the legislative body determines that current and projected water supplies will not be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses, the legislative body shall render its decision on the map consistent with the prioritization of categories of water service to customers or potential customers, as set forth in Section 10911.5 of the Water Code, unless the city or county, working in conjunction with the applicant and public water system, can identify and secure a sufficient, long-term supply of water to satisfy the demands of the proposed project.~~

~~(b) The meeting at which the legislative body receives the map shall be the date on which the clerk of the legislative body receives the map.~~

~~(c) The legislative body may provide, by ordinance, for the approval or disapproval of final maps by the city or county engineer, surveyor, or other designated official. The legislative body may also provide, by ordinance, that the official may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map. Any ordinance adopted pursuant to this subdivision shall provide that (1) the designated official shall notify the legislative body at its next regular meeting after the official receives the map that the official is reviewing the map for final approval, (2) the designated official shall approve or disapprove the final map within 10 days following the meeting of the legislative body that was preceded by the notice in (4) below, (3) the designated official's action may be appealed to the legislative body, (4) the legislative body shall provide notice of any pending approval or disapproval by a designated official, which notice shall be attached and posted with the legislative body's regular agenda and shall be mailed to interested parties who request notice, and (5) the legislative body shall periodically review the delegation of authority to the~~

1 ~~designated official. Except as specifically authorized by~~
2 ~~this subdivision, the processing of final maps shall~~
3 ~~conform to all procedural requirements of this division.~~

4 ~~SEC. 8. Section 66474 of the Government Code is~~
5 ~~amended to read:~~

6 ~~66474. A legislative body of a city or county shall deny~~
7 ~~approval of a tentative map, or a parcel map for which a~~
8 ~~tentative map was not required, if it makes any of the~~
9 ~~following findings:~~

10 ~~(a) That the proposed map is not consistent with~~
11 ~~applicable general and specific plans as specified in~~
12 ~~Section 65451.~~

13 ~~(b) That the design or improvement of the proposed~~
14 ~~subdivision is not consistent with applicable general and~~
15 ~~specific plans.~~

16 ~~(c) That the site is not physically suitable for the type~~
17 ~~of development.~~

18 ~~(d) That the site is not physically suitable for the~~
19 ~~proposed density of development.~~

20 ~~(e) That the design of the subdivision or the proposed~~
21 ~~improvements are likely to cause substantial~~
22 ~~environmental damage or substantially and avoidably~~
23 ~~injure fish or wildlife or their habitat.~~

24 ~~(f) That the design of the subdivision or type of~~
25 ~~improvements is likely to cause serious public health~~
26 ~~problems.~~

27 ~~(g) That the design of the subdivision or the type of~~
28 ~~improvements will conflict with easements, acquired by~~
29 ~~the public at large, for access through or use of, property~~
30 ~~within the proposed subdivision. In this connection, the~~
31 ~~governing body may approve a map if it finds that~~
32 ~~alternate easements, for access or for use, will be~~
33 ~~provided, and that these will be substantially equivalent~~
34 ~~to ones previously acquired by the public. This subsection~~
35 ~~shall apply only to easements of record or to easements~~
36 ~~established by judgment of a court of competent~~
37 ~~jurisdiction and no authority is hereby granted to a~~
38 ~~legislative body to determine that the public at large has~~
39 ~~acquired easements for access through or use of property~~
40 ~~within the proposed subdivision.~~

~~(h) That current and projected water supplies will not be sufficient to satisfy the demands of the proposed project, in addition to existing and planned future uses, based on the information submitted pursuant to Section 66455.10, unless the city or county, working in conjunction with the applicant and public water system, can identify and secure a sufficient, long-term supply of water to satisfy the demands of the proposed project.~~

~~SEC. 9. Section 10631 of the Water Code is amended to read:~~

~~10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:~~

~~(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five year increments to 20 years or as far as data is available.~~

~~(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a).~~

~~(c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:~~

~~(1) An average water year.~~

~~(2) A single dry water year.~~

~~(3) Multiple dry water years.~~

~~For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable.~~

~~(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.~~

~~(e) (1) Quantify, to the extent records are available, past and current water use, over the same five year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:~~

~~(A) Single-family residential.~~

~~(B) Multifamily.~~

~~(C) Commercial.~~

~~(D) Industrial.~~

~~(E) Institutional and governmental.~~

~~(F) Landscape.~~

~~(G) Sales to other agencies.~~

~~(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.~~

~~(I) Agricultural.~~

~~(2) The water use projections shall be in the same five-year increments as described in subdivision (a).~~

~~(3) In developing projected water demand forecasts, public water systems shall do all of the following:~~

~~(A) Incorporate information from the land use elements of general plans prepared by cities and counties within the public water system's service boundaries.~~

~~(B) Collect water use data and compile it by customer classification within census tract boundaries.~~

~~(C) Utilize available land use density models in preparing water demand forecasting estimates.~~

~~(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:~~

~~(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:~~

~~(A) Interior and exterior water audits and incentive programs for single-family residential, multifamily residential, governmental, and institutional customers.~~

~~(B) Enforcement of plumbing fixture efficiency standards and programs to retrofit less efficient fixtures.~~

- 1 ~~(C) Distribution system water audits, leak detection,~~
2 ~~and repair.~~
- 3 ~~(D) Metering with commodity rates for all new~~
4 ~~connections and retrofit of existing connections.~~
- 5 ~~(E) Large landscape water audits and incentives.~~
- 6 ~~(F) Landscape water conservation requirements for~~
7 ~~new and existing commercial, industrial, institutional,~~
8 ~~governmental, and multifamily developments.~~
- 9 ~~(G) Public information.~~
- 10 ~~(H) School education.~~
- 11 ~~(I) Commercial and industrial water conservation.~~
- 12 ~~(J) New commercial and industrial water use review.~~
- 13 ~~(K) Conservation pricing for water service and~~
14 ~~conservation pricing for sewer service, where the urban~~
15 ~~water supplier also provides sewer service.~~
- 16 ~~(L) Landscape water conservation for new and~~
17 ~~existing single-family homes.~~
- 18 ~~(M) Water waste prohibitions.~~
- 19 ~~(N) Water conservation coordinator.~~
- 20 ~~(O) Financial incentives to encourage water~~
21 ~~conservation.~~
- 22 ~~(P) Ultra low flush toilet replacement.~~
- 23 ~~(2) A schedule of implementation for all water~~
24 ~~demand management measures proposed or described in~~
25 ~~the plan.~~
- 26 ~~(3) A description of the methods, if any, that the~~
27 ~~supplier will use to evaluate the effectiveness of water~~
28 ~~demand management measures implemented or~~
29 ~~described under the plan.~~
- 30 ~~(4) An estimate, if available, of existing conservation~~
31 ~~savings on water use within the supplier's service area,~~
32 ~~and the effect of such savings on the supplier's ability to~~
33 ~~further reduce demand.~~
- 34 ~~(g) An evaluation of each water demand management~~
35 ~~measure listed in paragraph (1) of subdivision (f) that is~~
36 ~~not currently being implemented or scheduled for~~
37 ~~implementation. In the course of the evaluation, first~~
38 ~~consideration shall be given to water demand~~
39 ~~management measures, or combination of measures,~~
40 ~~which offer lower incremental costs than expanded or~~

1 ~~additional water supplies. This evaluation shall do all of~~
2 ~~the following:~~

3 ~~(1) Take into account economic and noneconomic~~
4 ~~factors, including environmental, social, health, customer~~
5 ~~impact, and technological factors.~~

6 ~~(2) Include a cost-benefit analysis, identifying total~~
7 ~~benefits and total costs.~~

8 ~~(3) Include a description of funding available to~~
9 ~~implement any planned water supply project that would~~
10 ~~provide water at a higher unit cost.~~

11 ~~(4) Include a description of the water supplier's legal~~
12 ~~authority to implement the measure and efforts to work~~
13 ~~with other relevant agencies to ensure the~~
14 ~~implementation of the measure and to share the cost of~~
15 ~~implementation.~~

16 ~~(h) Urban water suppliers that are members of the~~
17 ~~California Urban Water Conservation Council and~~
18 ~~submit annual reports to that council in accordance with~~
19 ~~the "Memorandum of Understanding Regarding Urban~~
20 ~~Water Conservation in California," dated September~~
21 ~~1991, may submit the annual reports identifying water~~
22 ~~demand management measures currently being~~
23 ~~implemented, or scheduled for implementation, to satisfy~~
24 ~~the requirements of subdivisions (f) and (g).~~

25 ~~SEC. 10. Section 10911.5 is added to the Water Code,~~
26 ~~to read:~~

27 ~~10911.5. (a) In determining the ability of a public~~
28 ~~water system to serve customers outside areas which~~
29 ~~water service is currently being provided by any public~~
30 ~~water system when the public water system finds that it~~
31 ~~has, or is expected to have, insufficient water supplies to~~
32 ~~serve existing customers, in addition to the public water~~
33 ~~system's planned future uses, during multiple dry water~~
34 ~~years, the following prioritization of categories of water~~
35 ~~service to customers or potential customers shall be~~
36 ~~applied:~~

37 ~~(1) The highest priority shall be existing customers of~~
38 ~~a retail water agency.~~

39 ~~(2) The second priority shall be future expected~~
40 ~~customers associated with new development within areas~~

1 ~~currently receiving water service from a retail water~~
2 ~~agency.~~

3 ~~(3) The third priority shall be future expected~~
4 ~~customers associated with new development outside~~
5 ~~areas that currently receive water service, but within the~~
6 ~~sphere of influence of a retail water agency.~~

7 ~~(4) The fourth priority shall be future expected~~
8 ~~customers associated with new development outside of~~
9 ~~the sphere of influence of a retail water agency.~~

10 ~~(b) The determination made pursuant to subdivision~~
11 ~~(a) shall also be consistent with the obligation of a public~~
12 ~~water system to grant a priority for the provision of~~
13 ~~available and future water resources or services to~~
14 ~~proposed housing developments that help meet the city's~~
15 ~~or county's share of the regional housing need for lower~~
16 ~~income households, pursuant to Section 65589.7 of the~~
17 ~~Government Code.~~

18 ~~SEC. 11.—~~

19 *SEC. 2.* Notwithstanding Section 17610 of the
20 Government Code, if the Commission on State Mandates
21 determines that this act contains costs mandated by the
22 state, reimbursement to local agencies and school
23 districts for those costs shall be made pursuant to Part 7
24 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the
26 claim for reimbursement does not exceed one million
27 dollars (\$1,000,000), reimbursement shall be made from
28 the State Mandates Claims Fund.